

**TOWN OF NORTH HARMONY
TOWN BOARD MEETING
MONDAY 8/10/09 8:00 PM**

SALLY P. CARLSON, SUPERVISOR	PRESENT
RALPH WHITNEY, COUNCILMAN	PRESENT
ART THOMAS, COUNCILMAN	PRESENT
DICK SENA, COUNCILMAN	PRESENT
FRANK STOW, COUNCILMAN	ABSENT DUE TO ILLNESS

Others Present: Art and Andrea McLean, Clayton Emick, John and Penny Best, Mike Gleason, AFD; Robin Miller, Bookkeeper; Gary Ryan, Highway Sup't.; Sharon Turano, P.J.; Dave Lloyd, Stormwater Planning; Howard Peacock, Justice; Brad Lawson, Zoning C.E.O.; Jay Gould, Legislator; Nancy Thomas, Town Clerk

- **PLEDGE**
- **MINUTES**

MOTION #121 OF 2009

ON A MOTION MADE BY MR THOMAS AND SECONDED BY MR. SENA THE MINUTES OF THE 7/13/09 BOARD MEETING WERE ACCEPTED AS PRESENTED BY THE TOWN CLERK AND THE MOTION WAS CARRIED UNANIMOUSLY.

- **ANNOUNCEMENTS:**

- **CLMC MEETING TUESDAY, 8/18/09 4:30 - ?, Long Point State Park, "Come Grill Us"**
- **FIRE DISTRICT PUBLIC HEARING TUESDAY, 8/18/09, STATION #2 6:00 – 7:00 PM, Addition to be built onto Station #2**
- **Stow Lighthouse is on the cover of the new phone book**

- **PUBLIC COMMENT:**

- **ART AND ANDREA McLEAN 2836 CHAUTAUQUA AVE. (NEITS CREST)**

Mrs. McLean stated that they own property along the lake and also on the other side of Chautauqua Ave. She said the creek that runs along one side their property gets a lot of water and flooding and she is asking the board for help in trying to do something about the situation.

Mrs. Carlson asked if the water is coming off of Rt. 394.

Mrs. McLean said it is coming from Bly Hill Road and over Rt. 394. She said the state had put a huge pipe under the road right above them and the large water volume is eroding the creek and causing floods on her property and others. She said the ditch on Chautauqua Ave. cannot handle the volume. She provided pictures showing the history of flooding for the past 12 years. She said they have tried various solutions, but the problem has gotten worse. She said the highway department has dug out the ditch many

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times and last fall they enlarged the ditch and put in concrete barriers to try and keep things from flowing down to the lake but the pipes get plugged every time.

Mrs. Carlson asked if the pipes are through the ROW at Neits Crest.

Mrs. McLean said no, it is all private property. She said when the pipes were installed 6-7 years ago at a cost to residents of about \$3,000 for the pipes and the town contracted for the actual digging and installation of the pipes as well as the basin at the top by the road. She said last year they had 3 major floods of muddy water and this year they have had 2 floods which have included a lot of gravel from the Norgren's driveway which washes down and totally fills the ditch.

Mrs. Carlson asked Mr. Lloyd if it would do any good to have the county engineers look at the situation.

Mr. Lloyd said that Rt. 394 is a state road and they put in the large pipes without consideration for the volumes of water that would be routed to the other side. He said that state engineers would be the ones to contact and if there is no response, perhaps residents should contact Senator Cathy Young with their concerns.

Mrs. Carlson said they installed the large pipes in a number of areas when they reconstructed Rt. 394 and they have been a problem in many areas, including Longpoint Avenue.

Mrs. Carlson asked if there was anything more the town could do to alleviate the problem (i.e. changing the catch basin, etc.).

Mr. Ryan said the discharge pipes are just not large enough to handle the flow from Bly Hill Road.

Mr. Lloyd asked Mrs. McLean if they owned any of the property between their house and Rt. 394.

Mrs. McLean said yes.

Mr. Lloyd said grant funding is good for these types of projects but can be slow in coming. He said if the property owners would give a ROW to the state or the town to go in and build a step system, etc. it might help. He said if it is coming from a large pipe above Rt. 394, then you would need to go there to mitigate the problem.

Mr. McLean said the creek runs parallel to the Norgren's property on Bly Hill Rd. except where the catch basin is and it goes under his driveway there. He said they have indicated they would welcome any mitigation efforts to keep their driveway from washing out.

Mrs. Carlson said she would contact the DOT in Buffalo and request an engineer to review the problem.

MIKE GLEASON, ASHVILLE FIRE DISTRICT

Mr. Gleason said there would be a District informational meeting to discuss the new building addition at Station #2 on Tuesday 8/18/09 at 6:00 PM. He said the vote for the bonding of monies will be held on Tuesday 8/25/09 from 6-9:00 PM at Station #2.

Mrs. Carlson asked if the meeting on the 18th would be the only one on the issue.

Mr. Gleason said yes, that is all they are legally required to do.

Mrs. Carlson asked who is eligible to vote.

Mr. Gleason said that is the part he is still trying to find out and the last he understood was that it would be limited to registered voters. He said they will be getting voter registration lists from Mayville. He said they will know for sure by the meeting on the 18th.

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Mrs. Carlson asked if anything would be in the local newspaper about the vote.

Mr. Gleason said it had already been advertised in the legal section of the newspaper. He also commented on the situation with flooding in Silvercreek and Gowanda and said the A.F.D. had been there from 1:00 AM to 4:00 PM and would be going back at 8:00 AM tomorrow morning with another crew to help relieve other firefighters. He also mentioned the 4-way stop sign to be placed at the Butts /Bly Hill Road intersection. He said the fire department member's consensus is a hope that it will be very well marked because they are worried about accidents such as those that occurred when the 4-way stop at Stedman Corners was installed.

Mr. Sena asked if building plans and drawings would be available at the 8/18/09 meeting of the proposed building.

Mr. Gleason said drawings as well as a model/picture of the finished building will be available. He said Habiterra, their bond council, financial advisor and lawyer would be present. He said he hopes it is a nice quick and easy meeting to get any information to those present they would like to see. Mr. Gleason said that the fire tax voted on many years ago was \$1/\$1,000 and he assured that they would not exceed/raise the taxes on that. He said they are not looking to raise anyone's taxes, they are looking to bond money to put a new addition on or they will have to go borrow money to upgrade the 2 existing facilities due to NYS regulations imposed for consolidation of equipment, etc.

Mr. Emick asked what the cost of the building will be.

Mr. Gleason said the preliminary cost of the building is about \$1,000,000.00 and they are bonding for about \$1,200,000.00.

- **CORRESPONDENCE:**

The following correspondence has been received by the Supervisor and is available for review

1. **TIME WARNER- Channels Scheduled to Expire**
2. **U.S. CENSUS BUREAU – Targeted Non-Sheltered Locations**
3. **NYS RETIREMENT – Towns Share due in Feb., 2009 \$41,989.00**
4. **ISO - Notification of Classification**
- Regression – Letter by 8/17/09

Mrs. Carlson said Mr. Lawson will address this possible change in classification later in the meeting.

5. **ASHVILLE LIBRARY – GRAND RE-OPENING 8/22/09 1-3:00 PM**
6. **ASHVILLE FIRE DEPT. – NEW BINGO LICENSE ISSUED**
7. **CHAUTAUQUA CO. PUBLIC WORKS – RESTRICTED HIGHWAY RAMSEY ROAD CLOSED 8/11/09 BETWEEN MORLEY AND OPEN MEADOWS ROADS**

Mrs. Best asked if a date of completion has been given.

Mrs. Carlson said no date had been given.

8. **CHAUT. CO. LAKE MANAGEMENT – OPEN HOUSE 8/18/09**

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9. **WILL ORTMAN – Letter with Suggestions**

Mrs. Carlson said Mr. Ortman had attended a Zoning Board meeting recently and had suggested that the members have name plates. She said he had also suggested contacting Cuba and Issuay on designs for the new sewer project. She said she would be interested in the information and would look into it.

Mrs. Thomas said the members have name plates but probably did not use them that evening.

10. **EFC – Draft 2010 Intended Uses – Clean Water**

11. **NATIONAL GRID – Surcharge \$756.00**

12. **CCIDA – JOHN WOOD’S POTATOE CHIP FACTORY PROJECT**

Mrs. Carlson said the letter stated the CCIDA had met with Mr. Wood and were avidly interested in all economic development. She said she would make sure the Planning Board got copies of the letter.

13. **AMATO, FOX & CO. – CPA Firm**

14. **STW: NEWSLETTER - Planning & Zoning Conf. 11/17/09 at SUNY Fredonia**

- Randall Arendt – 9/29/09 4:30-7:00 PM

- Designing Better Rural Communities – Chaut. Suites

15. **CHAUTAUQUA WATERSHED CONSERVANCY – Thanks for support of Lakeshore Acquisition of 3 ½ acres at Sandy Bottom**

16. **SALES TAX RECEIVED \$132,584.64 (Up \$3,307.35 from last year)**

Mr. Gould said the county has said they will not meet projections this year.

17. **OFFICE OF REAL PROPERTY SERVICES (ORPS) – Equalization Rate is 100%**

18. **NEWSLETTERS: BS&K – Employee Benefits and Cornell Local Roads**

- **OLD BUSINESS:**

- **LOCAL LAWS FILED: #2-2009 Wind Energy and #3-2009 Adult Entertainment**

Mrs. Carlson and Mr. Lawson commended the Planning Board for all the long hours and work done to get the laws completed and filed with the state.

- **REFERENDUM/SPECIAL TOWN ELECTION FOR PROPOSED SPENDING FOR MAP PLAN AND REPORT AND ENHANCEMENT OF AERIAL PHOTO AND LIDAR STUDY – VOTE TO BE HELD SAT. 9/12/09 9:00 AM – 6:00 PM**

Mrs. Carlson asked Mrs. Thomas if Absentee Ballots are an issue that the town board needs to vote on.

Mrs. Thomas said that Town Law §84 a. requires that Absentee Ballots be distributed to registered and qualified voters upon request for these types of elections. She said other costs associated with the special election are voting machine set up at \$150.00; 4 election officials at \$8.00/HR; and 2 voting registers to be purchased from the county at \$12 each.

Mrs. Carlson asked those present to please plan to vote on 9/12/09, or do so by Absentee Ballot request from the Clerk.

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- **COMPREHENSIVE PLAN MEETING – SENIOR CITIZEN’S BLDG. SATURDAY 8/22/09 10:00 AM – 12:00 PM**

Mrs. Carlson said the Planning Board is ready for comment from the public about the direction of the Comprehensive Plan and will be providing results and answering questions about the town wide survey done previously.

- **TOWN PICNIC – BUTTS PARK SATURDAY 8/22/09 4:00 – 7:00 PM**

Mrs. Thomas said the main dish would be provided as well as drinks and table service. She encouraged all to bring a dish to pass, enter the pie contest and come have a good time with friends and neighbors.

- **ASHVILLE DAY – 7/18/09 – Illegal use of Trash Dumpster**

Mrs. Carlson said John Penhollow had indicated that he would donate a trash dumpster for use on Ashville Day. She said when he came to pick it up the ground was very soft due to recent rains and he called Mrs. Carlson to let her know he would be picking it up later when the ground dried in order to do less damage to the park. She said before he was able to return someone had completely filled it with their construction debris which included blocks and it was all he could do to get it out and the ground was damaged. Mr. Penhollow said he regretted it, but he would have to charge the town because of the fees charged by the county landfill for construction debris. Mrs. Carlson said she felt the dumping was a very “tacky” thing to have done.

Mrs. Thomas said she had contacted several neighbors who indicated it must have been done late at night because they had not seen the illegal dumping happen during the day.

- **YOUTH REC REPORT**

Mrs. Carlson said she had received the Youth Rec report. They are in their 5th week and have had an average of 25 participants per day. They have gone to the Ashville Library, Long Point State Park, Roger Tory Peterson Institute and done arts and craft projects. She said their schedule has been very busy. She said Katherine Bull, Director, has indicated that at the close of the program they will make available to the parents of participants information about enrollment in the after school program scheduled at Panama Central. She said they have also requested a meeting at the conclusion of the program with Harmony, North Harmony, the fire department, transportation, and the school to discuss strengths and weaknesses of the program this year.

- **DICK SENA – STOP SIGNS AT BUTTS/BLY HILL ROADS**

Mr. Sena said he had talked to Mr. Ryan about the stop signs. He said he feels they will make the intersection safer and said he agrees they need to be marked carefully in order to give motorists plenty of warning.

Mr. Ryan said the highway will be placing STOP AHEAD signs to inform/remind motorists but he has to get the smaller signs and there will be strips on the posts.

Mrs. Thomas said she had sent a letter to the County DOT advising them of the intent to place the signs and asking if they have any recommendations regarding the signs.

- **NEW BUSINESS:**

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- **LONNIE HOOVER V. TOWN OF NORTH HARMONY – Suit filed for accident at Open Meadows and Spooner Roads**

Mrs. Carlson notified the board that a suit has been filed. She said the accident had occurred on a county road.

Mrs. Thomas commented that many of these types of suits are “blanket” in style.

- **PARKING IN ROW AT CONNELLY PARK**

Mrs. Carlson said there is a gentleman parking in the 30’ town ROW at Connelly Park. She said Mr. Ryan will be placing a No Parking sign there as continued parking could hinder rescue vehicles and access to the lake in case of fire.

- **GARY MLACKER – Re Runoff Problems**

Mrs. Carlson said Mr. Mlacker had spoken to her about runoff problems. She said she had talked to Gary and Dave and they would check on the problem.

- **MR. WRIGHT – Contractor for Installation of Blocks at Lighthouse Park**

Mrs. Carlson said Mr. Wright had been hired to install the blocks at the park. She said he had purchased with town funds additional treks which he said he would shape and have ready for the next phase of installation. She said she has been unable to contact or locate Mr. Wright. She said she had contacted Mr. Stapleton to discuss pursuing the matter in Small Claims Court. She said a claim would be made against Mr. Wright in the amount of \$405.00 (return of boards, refund for broken blocks and a refund to one of the persons purchasing a block which was never installed).

- **REPORTS:**

JAY GOULD, LEGISLATOR

Mr. Gould said the following has occurred in the Legislature:

- Local Law passed requiring written permission to sue the county for pothole/road damages.
- Grant accepted for \$19,500.00 for probation alternatives
- District Attorney given grant funding of \$346,000.00 to pay some of salaries (Crime Victims Coordinator and Victim Service Provider)
- Sheriff will purchase gas from fuel tanks at Chautauqua Lake Bus Garage
- Voted to provide local sheriff of Greater Jamestown Economic Development Zone \$32,000.00 (combination of Village of Falconer, City of Jamestown and Town of Ellicott)
- Matching funds grant from Federal Economic Development \$1,335,000.00 (State share \$600,000; local share \$335,000) for roads, land, drainage at Chadwick Bay Industrial Park.
- Snowmobiles received state aid from excess money in budget in the amount of \$146,475.00
- Mental Hygiene will rent 2 rooms at the old high school (\$1,650/mo., utilities \$100/mo.)
- Light the Lakes program received \$20,000 from bed tax monies and the Air Show received \$10,000

Mr. Whitney asked where we stand on the construction of the methane gas plant at the landfill.

Mr. Gould said the ground breaking was in May and they should be working on it. He said he would drive up and check on the status.

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Mr. Sena asked if Mr. Gould could put any pressure on the state about the condition of I-86.

Mr. Thomas said the state would prefer to route drivers to I-90 which is a toll road, rather than fix I-86. He said the portion through Salamanca that is Indian land will probably never be fixed.

Mr. Gould said supposedly stimulus funding was going to take care of it. He said he would forward along Mr. Sena's concerns to the legislature.

Mr. Carlson asked why the air show is charging \$10/ticket this year when they have never charged before.

Mr. Gould said it will be a private venture and is supposed to be bigger and better with a budget of \$30,000.

Mr. Gould said he believes the Moving Wall will be in Brocton on 9/11/09.

RANDY HOLCOMB, ASSESSOR (report in Minute Book)

Mrs. Carlson said Mr. Holcomb reported that he has received 4 small claims of assessment review petitions based on the 2009 assessment; 3 are from Michelle Shore and Tracy Stump on land at Woodlawn and 1 is from Keith and Constance Fairbanks.

GARY RYAN, HIGHWAY SUPERINTENDENT

Mr. Ryan said the highway department has been working on the following:

- repairing washouts from recent storms
- hauled all the 2x2x6 blocks for the Cheney Pt. project
- installing driveway pipe
- He said he has installed a large 36" pipe on Gesaman Road and the step down system installed there is working well.
- mowing road shoulders and pressure washing the building and Lighthouse at the Park
- He said they had been assisting other towns with sealing as a part of shared services.
- He said the new Ford 550 has been received and paid for with funds received for sale of equipment at the auction. He said it will also cover the sander.

Mrs. Carlson asked if he would be doing the blacktopping at Longview this fall.

Mr. Ryan said he would like to if time and weather permit.

HOWARD PEACOCK, JUSTICE (copy in Minute Book)

Mrs. Carlson noted that \$26,110.00 was received by the court for 7/09 and said this is down from last year when \$32,507.50 was collected. **Mr. Sena** said I-86 is too rough for people to speed on it.

BRAD LAWSON, ZONING CEO (Copy in Minute Book)

Mr. Lawson said things have been busy. He said he has still not been able to reach Chuck Cranston, DEC regarding the removal of material at Ashville Bay Marina when the DEC releases it. John Woods will appear before the Planning Board for a review and recommendation on his potato chip factory proposal. Mr. Lawson said our Zoning does not include a potato chip processing facility but fruit processing plant is

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included. He said the Zoning Board wants more information and Mr. Wood needs to collect that information. He said the ISO paperwork has been sent and will be filed, but we will not get back our better rating because of the State and their untimely adoption of the up to date codes (currently we are operating under the 2007 codes). He said he has cleared things up concerning the classification of the AFD Training Center. He said realtors keep listing it as commercial but it is located in a residential zone.

DAVE LLOYD, STORMWATER PLANNER

Mr. Lloyd said he had met with Scott Sampson on 7/23/09 and given him information he had requested on the purchase of a water treatment/drainage system. Mr. Sampson said he would contact Doug Peterson to purchase that equipment. He said he had talked to Rick Constantino on 7/13/09 as to when we would have county contracts for the two 2009 projects. Mr. Constantino said we should have them by 7/27/09, but they have not been received to date. He said Mr. Gould has agreed to contact the County Executive to put a push on this. Mr. Lloyd said he would not be comfortable ordering any materials until we have a signed contract. He said one issue is that some of the materials are not made until they are ordered and that could cause timing problems. He said anything dealing with petroleum products (i.e. plastic pipe) can be ordered on state bid but those bids are every 30 days. He said some of the bids are over 30 days old and he will have to check to see if the bids have gone up/down. Mr. Lloyd said he had met with Gary and Rex to go over plans for the Stow project. He said he has given Mr. Tolman a list of needs for the project and advised Mr. Tolman that we need the drawings for the Cheney Road project as soon as possible. He said Mr. Tolman has recently lost one of his top men and things are going a little slow. He said he had received a new bid from Gary today on concrete products. He said when the contracts are signed and bids received, we can start moving forward.

NANCY THOMAS, TOWN CLERK (copy in Minute Book)

Mrs. Thomas said she had nothing further to add to her written report.

MOTION #122 OF 2009

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. WHITNEY, THE TOWN CLERKS REPORT WAS ACCEPTED AND THE MOTION WAS CARRIED UNANIMOUSLY.

SALLY P. CARLSON, SUPERVISOR: (copy in Minute Book)

MOTION #123 OF 2009:

MR. SENA MOTIONED THAT THE SUPERVISOR'S REPORT BE ACCEPTED AS PRESENTED. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

MOTION #124 OF 2009:

MR. WHITNEY MOTIONED TO PAY THE GENERAL FUND VOUCHERS AS AUDITED AND REVIEWED EARLIER. MR. SENA SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

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MOTION #125 OF 2009:

MR. WHITNEY MOTIONED TO PAY THE HIGHWAY FUND VOUCHERS AS AUDITED AND REVIEWED EARLIER. MR. THOMAS SECONDED **AND THE MOTION WAS CARRIED UNANIMOUSLY.**

MOTION #126 OF 2009:

ON A MOTION MADE BY MR. THOMAS AND SECONDED BY MR. WHITNEY THE MEETING WAS ADJOURNED AT 9:20 PM **BY UNANIMOUS DECISION.**

Nancy Thomas
Town Clerk